

ASSEMBLY BILL

No. 606

Introduced by Assembly Member Liu

February 19, 2003

An act to amend Section 75 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 606, as introduced, Liu. Commission on Health and Safety and Workers' Compensation: composition.

Existing law establishes within the Labor and Workforce Development Agency the Department of Industrial Relations, among the functions of which is to foster, promote, and develop the welfare of the wage earners of California, to improve their working conditions, and to advance their opportunities for profitable employment.

Existing law provides for a system of workers' compensation to provide compensation for persons injured in the course and scope of employment.

Existing law establishes within the Department of Industrial Relations the Commission on Health and Safety and Workers' Compensation, composed as specified, which is required to conduct a continuing examination of the workers' compensation system and of the state's activities to prevent industrial injuries and occupational diseases, and also to review and approve applications, from specified sources, for grants to assist in establishing effective occupational injury and illness prevention programs.

This bill would require that at least one employer member of that commission be a representative of small business, as defined.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 75 of the Labor Code is amended to
2 read:

3 75. (a) There is in the department the Commission on Health
4 and Safety and Workers' Compensation. The commission shall be
5 composed of eight voting members. Four voting members shall
6 represent organized labor, and four voting members shall
7 represent employers. Not more than one employer member shall
8 represent public agencies. *At least one employer member shall*
9 *represent small business, as defined in subdivision (e).* Two of the
10 employer members and two of the labor members shall be
11 appointed by the Governor. The Senate Committee on Rules and
12 the Speaker of the Assembly shall each appoint one employer and
13 one labor representative. The public employer representative shall
14 be appointed by the Governor. No action of the commission shall
15 be valid unless agreed to by a majority of the membership and by
16 not less than two members representing organized labor and two
17 members representing employers.

18 (b) The commission shall select one of the members
19 representing organized labor to chair the commission during the
20 1994 calendar year, and thereafter the commission shall
21 alternatively select an employer and organized labor
22 representative to chair the commission for one-year terms.

23 (c) The initial terms of the members of the commission shall be
24 four years, and they shall hold office until the appointment of a
25 successor. However, the initial terms of one employer and one
26 labor member appointed by the Governor shall expire on
27 December 31, 1995; the initial terms of the members appointed by
28 the Senate Committee on Rules shall expire December 31, 1996;
29 the initial terms of the members appointed by the Speaker of the
30 Assembly shall expire on December 31, 1997; and the initial term
31 of one employer and one labor member appointed by the Governor
32 shall expire on December 31, 1998. Any vacancy shall be filled by
33 appointment to the unexpired term.

34 (d) The commission shall meet every other month and upon the
35 call of the chair. Meetings shall be open to the public. Members of

1 the commission shall receive one hundred dollars (\$100) for each
2 day of their actual attendance at meetings of the commission and
3 other official business of the commission and shall also receive
4 their actual and necessary traveling expenses incurred in the
5 performance of their duty as a member. Payment of per diem and
6 traveling expenses shall be made from the Workers'
7 Compensation Administration Revolving Fund, when
8 appropriated by the Legislature.

9 *(e) For purposes of this section, 'small business' means an*
10 *independently owned and operated business, which is not*
11 *dominant in its field of operation, the principal office of which is*
12 *located in California, the officers of which are domiciled in*
13 *California, and which, together with affiliates, has 100 or fewer*
14 *employees, and average annual gross receipts of ten million*
15 *dollars (\$10,000,000) or less over the previous three years, or is*
16 *a manufacturer with 100 or fewer employees.*

17 SEC. 2. The requirement that an employer member
18 representing small business serve as a member of the Commission
19 on Health and Safety and Workers' Compensation, as provided in
20 Section 1 of this act, shall be implemented upon the earliest
21 vacancy of any employer member of the commission who does not
22 represent a public agency.

